

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

PHYLLIS FAHLENKAMP and RANDY FAHLENKAMP, Plaintiffs, vs. AVERA HEALTH, a South Dakota corporation d/b/a AVERA SPENCER FAMILY CARE Defendant.	CASE NO. C10-4116-DEO COMPLAINT AND JURY DEMAND
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COME NOW the Plaintiffs, Phyllis Fahlenkamp and Randy Fahlenkamp, and for their claim against the Defendant, Avera Health, a South Dakota corporation, doing business as Avera Spencer Family Care, state:

JURISDICTION

1. Jurisdiction herein is based upon United States Code: Title 28, §1332(a), diversity of citizenship. The amount in controversy exceeds \$75,000, exclusive of interest and costs.
2. Phyllis Fahlenkamp (Phyllis) and Randy Fahlenkamp (Randy) are citizens of O'Brien County, Iowa and have been married to each other since June 1, 1986.
3. Avera Health (Avera) is a corporation incorporated in the state of South Dakota, where it also has its principal place of business, and is doing business in Clay County, Iowa as Avera Spencer Family Care.

COUNT I

4. At all times material hereto, Nathaniel A. Meyer, M.D. (Meyer) was a medical physician licensed to practice and practicing medicine in the course and scope

of his employment with Avera.

5. From 1997 through April 2009, Phyllis has been under the medical care of Avera, and has been prescribed Predisone, a synthetic corticosteroid drug which has potential severe side effects. By and through Avera's family practice physicians, Phyllis was prescribed Predisone for a suspected, but unconfirmed, diagnosis of lupus.

6. Since September of 2000, Meyer continued to prescribe Predisone to Phyllis, without informing her of the serious side effects of Predisone, without recognizing the serious side effects of Predisone which she was experiencing, without attempting to reduce and eliminate the quantity of Predisone prescribed for Phyllis, and without a confirmed diagnosis of the condition for which Predisone was prescribed.

7. As a result of the long term use of Predisone, Phyllis developed serious health problems including, but not limited to, insulin dependent diabetes and permanent severe damage to her lower extremities.

8. In September 2009 Phyllis sought and received medical advice from Dr. Steven Vanderleest who referred Phyllis to a rheumatologist, Dr. Kara Petersen. Phyllis was first examined by Dr. Petersen on September 16, 2009, who then advised Phyllis that she needed to wean herself from Predisone, because of serious long term side effects related to its usage. Dr. Petersen also informed Phyllis that she did not have lupus. Phyllis first learned of the serious effects Predisone caused her on or about September 16, 2009.

9. Predisone dosage must be reduced gradually, because the human body becomes dependent upon it. Phyllis was able to gradually reduce the dosage of Predisone over a period of many months, until she was able to eliminate taking

Predisone completely. Phyllis no longer has diabetes and other serious side effects, which were caused by Predisone. However, Phyllis has severe permanent injuries as a result of the Predisone.

10. The Defendant was negligent, and its negligence was a cause of severe injuries and damages to Phyllis.

WHEREFORE, Plaintiff, Phyllis Fahlenkamp prays for judgment against the Defendant in such an amount as will fully and fairly compensate her for all injuries and damages sustained, with interest as provided by law and the cost of this action.

COUNT II

Plaintiffs incorporate by reference Paragraphs 1 – 10 of Count I as fully as if set forth word for word.

11. As a result of the severe injuries suffered by Phyllis, Randy has suffered a loss of the usual society, companionship and services of Phyllis.

WHEREFORE, Plaintiff, Randy Fahlenkamp, prays for judgment against the Defendant in such an amount as will fully and fairly compensate him for all injuries and damages sustained, with interest as provided by law, and the costs of this action.

JURY DEMAND

Plaintiffs, Phyllis Fahlenkamp and Randy Fahlenkamp, request a trial by jury herein.

GILDEMEISTER & KEANE, L.L.P.

BY /s/ Edward J. Keane

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